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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,374	09/16/2003	Yasushi Yatsuda	A1585.0010	9407
32172	7590	09/08/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			TRAN, MINH LOAN	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,374

Applicant(s)

YATSUDA ET AL.

Examiner

Minh-Loan T. Tran

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2826

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. If applicant is aware of any relevant prior art, he/she requested to cite it on form PTO-1449 in accordance with the guidelines set forth in M.P.E.P. 609.

Oath/Declaration

3. The oath or declaration filed on 09/16/2003 is acceptable.

Drawings

4. The drawings filed on 09/16/2003 are acceptable.

Specification

5. Claims 5-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-7 not been further treated on the merits.

Art Unit: 2826

Claim Rejections - 35 USC § 112

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, “ LED chip or a white LED light emission portion having an LED lamp and fluorophor” is unclear because the expression “ or” renders the claim alternative.

In claim 1, line 3, “ fluorophor” is unclear as to whether it is being referred to a phosphor.

In claim 1, line 3, “ the vicinity of the focus of a projection means” lacks of antecedent basis.

In claim 1, line 3, “ a projection means” is unclear as to how the projection means is arranged with respect to the LED chip ?

In claim 3, line 3, “ white LED light emission portion” after “ opposing” should be deleted for clarity.

In claim 4, lines 3 and 4, “ the direction of non-shielding” lacks of antecedent basis.

In claim 4, line 3, “ the mirror finish is applied provides inclines” is unclear as to whether it is being referred to the mirror finish having an inclined surface.

Art Unit: 2826

In claim 6, lines 2-4, “ a wavelength conversion member is interposed between said white LED light emission portion and said shielding member” is unclear as to whether it is being referred to the fluorophor that cover the white LED light emission portion recited in the independent claim 1.

In claim 7, line 2, “ that:” should be changed to – that—for clarity.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (6,441,943).

With regard to claims 1, 5 and 6, figures 35 and 36 of Roberts et al. show an LED lamp for a light source of a headlamp comprising a light emission portion 3502 having an LED 3604 is disposed in a vicinity of the focus of a projection means 3509; a shielding member 3508 covering a portion of the light emission portion 3502 is provided in a shape allowing a light distribution characteristic suitable for a headlamp of a vehicle

Art Unit: 2826

to be obtained when light from the light emission portion 3502 is magnified and projected in an illumination direction by the projection means 3509.

Figures 35 and 36 of Roberts et al. do not disclose the light emission portion emits white light. However, figures 41, 42 and lines 1-3 in column 37 of Roberts et al. disclose the emitter 4104 can be a phosphor LED chip which produces white light using red, green and blue LED elements and a phosphor.

It would have been obvious to one of ordinary skill in the art to form the light emission portion 3502 of Roberts et al. 's figures 35, 36 device that emits white light such as taught by figures 41, 42 of Roberts et al. because such structure is conventional in the art for forming phosphor-enhanced white light LED (note lines 39-41 in column 2 of Roberts et al.)

With regard to claim 2, Robert et al. does not disclose the light shielding member is disposed to form a gap of 2 nm or less from the light emission portion. Although Roberts et al. does not teach exact the gap between the light shielding member and the light emission portion as that claimed by Applicant, the gap differences are considered obvious design choices and are not patentable unless unobvious or unexpected results are obtained from these changes. It appears that these changes produce no functional differences and therefore would have been obvious. Note *In re Leshin*, 125 USPQ 416, *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Circ. 1990).

With regard to claim 3, figures 35 and 36 of Roberts et al. disclose the shielding member 3508 having a mirror finish is applied on the surface of the light shielding

Art Unit: 2826

member 3508 opposing the light emission portion 3502 (note lines 1-8 in column 33 of Roberts et al.)

With regard to claim 7, figures 35 and 36 of Roberts et al. disclose the shielding member 3508 is integrated with a lens member 3514 covering the LED light emission portion 3502.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Loan T. Tran whose telephone number is (571) 272-1922. The examiner can normally be reached on Monday-Friday 9:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2826

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mlt



Minh-Loan T. Tran

Primary Examiner

Art Unit 2826